

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

### for November 24, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #04060 - Early Childhood Care Facility

**PROPOSAL:** To develop an early childhood care facility for 140 children in the O-3 District.

**LOCATION:** Generally located east of N. 24<sup>th</sup> Street and south of Superior Street.

**WAIVER REQUEST:**  
Requirement to be located on an Arterial Street

**LAND AREA:** 1 acre, more or less.

**CONCLUSION:** In conformance with the Comprehensive Plan and Zoning Ordinance. The waiver is justified due to the location within an office district and proximity to the arterial roadway.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
Waive requirement to be located on an arterial street	Approval

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING ZONING:** O-3, Office Park.

**EXISTING LAND USE:** Undeveloped.

### **SURROUNDING LAND USE AND ZONING:**

North:	Bank	O-3, Office Park
South:	Undeveloped	R-4, Residential
East:	Commercial	I-1, Industrial
West:	Office	O-3, Office Park

**HISTORY:** Special Permit #1821 for a 118 person child care facility was approved by City Council on February 22, 2000 with a waiver to the arterial street frontage requirement.

Use Permit/Special Permit #12 for a 59, 930 square foot office park with a restaurant was approved by the City Council on January 21, 1997.

**COMPREHENSIVE PLAN SPECIFICATIONS:** This area is shown as commercial (F-25).

Commercial locations should be easily accessible by all modes of transportation including pedestrian, bicycle, transit and automobiles. Centers should be especially accessible to pedestrians and bicycles with multiple safe and convenient access points. (F-42)

Centers should contain a mix of residential, office, service and retail uses. In addition, other “residential” uses such as multi-family, single family attached, child care centers, and recreational facilities should be integrated within the development. Single use projects, such as office parks, are to be discouraged. Where properly sited, light manufacturing uses may be a part of larger commerce centers, except for neighborhood centers. Centers should create a pedestrian oriented environment in the physical arrangement of their buildings and parking. (F-42)

**TRAFFIC ANALYSIS:** N. 24<sup>th</sup> Street and Northview Road are local streets.

**ALTERNATIVE USES:** Office and other permitted uses in the O-3 district.

**ANALYSIS:**

1. This is a request for a special permit for an early childhood care facility in the O-3 district. The applicant requests to waive the requirement that the facility be located on an arterial street. The applicant noted in their attached letter that the site is located 200 feet south of an arterial in an office park and does not believe the minor shift toward the arterial street would provide an additional benefit to the surrounding area. The applicant stated that the existing facility has 49 children.
2. There is an existing special permit for an early childhood care facility located south on N. 24<sup>th</sup> Street, however the owner of that property has expressed interest in developing the property into townhomes, which would include rescinding the daycare use. The special permit for 118 children presently remains in effect. A waiver of the arterial street requirement was granted for that permit.
3. The Public Works and Utilities Department indicated that traffic comparisons between a 6,485 square foot office building (the amount presently approved on the site) and a 140 child care facility indicates that the child care facility would generate more peak hour traffic than general office.
4. The waiver to the arterial street requirement is reasonable because the location is an office/commercial district only a couple hundred feet off the arterial street. There may be cases where a request for this waiver is not appropriate, depending on location and proximity to a residential neighborhood and relationship to the arterial street. This case presents a location offset from the residential neighborhood, near an existing school within an office district and very near an existing arterial street. Planning staff believes a waiver is justified.

5. The Comprehensive Plan calls for integration of child care facilities in commercial centers and residential neighborhoods.
6. The Public Works and Utilities Department, Fire Department, and LES did not have any objections or revisions.
7. An additional sidewalk connection is necessary on the south side of the entrance drive off N. 24<sup>th</sup> Street, connecting to the side along the west side of the building.
8. Lincoln Lancaster County Health Department had several comments in their attached memo.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to show:

1.1.1 A sidewalk connection south of the screening and entrance drive to N. 24<sup>th</sup> Street.

1.1.2 Information as requested by the 11/12/04 Lincoln Lancaster County Health Department memo.

2. This approval permits an early childhood care facility for 140 children with a waiver to requirement the facility be located on an arterial street.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised **final** plan including 7 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

3.3 Final Plats shall be approved by the City.

3.4 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.

3.5 The administrative amendment #04090 is approved.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the building all development and construction shall have been completed in compliance with the approved plans.

4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Becky Horner, 441-6373, [rhorer@lincoln.ne.gov](mailto:rhorer@lincoln.ne.gov)  
Planner

**DATE:** November 10, 2004

<b>APPLICANT:</b>	Cheryl Dubas	<b>OWNER:</b>	Lincoln Federal Savings Bank
	Little Munchkinland		1101 N Street
	4920 N. 26 <sup>th</sup> Street		Lincoln, NE 68508
	(402)742-4776		

**CONTACT:** J.D. Burt  
Design Associates  
1609 N. Street, Suite 100  
(402)474-3000

F:\FILES\PLANNING\PC\PERMITS\SP\04000\SP04060.littlemunchinland.rdh.wpd



2002 aerial

# **Special Permit #04060** **N. 24th & Superior ST** **Little Munchkin Land** **Zoning:**

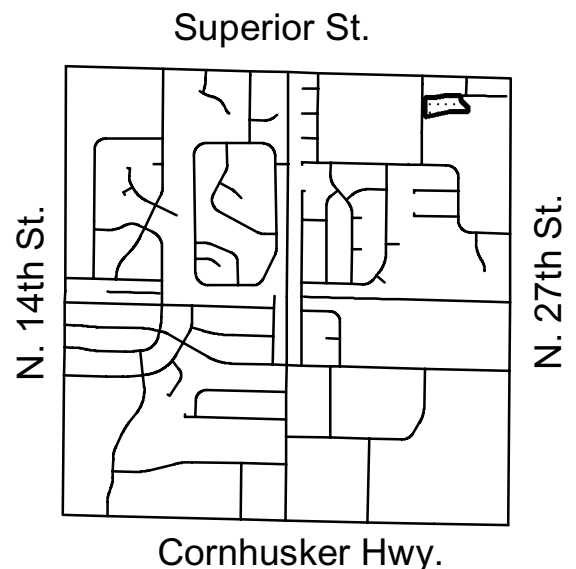
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
 Sec. 12 T10N R6E

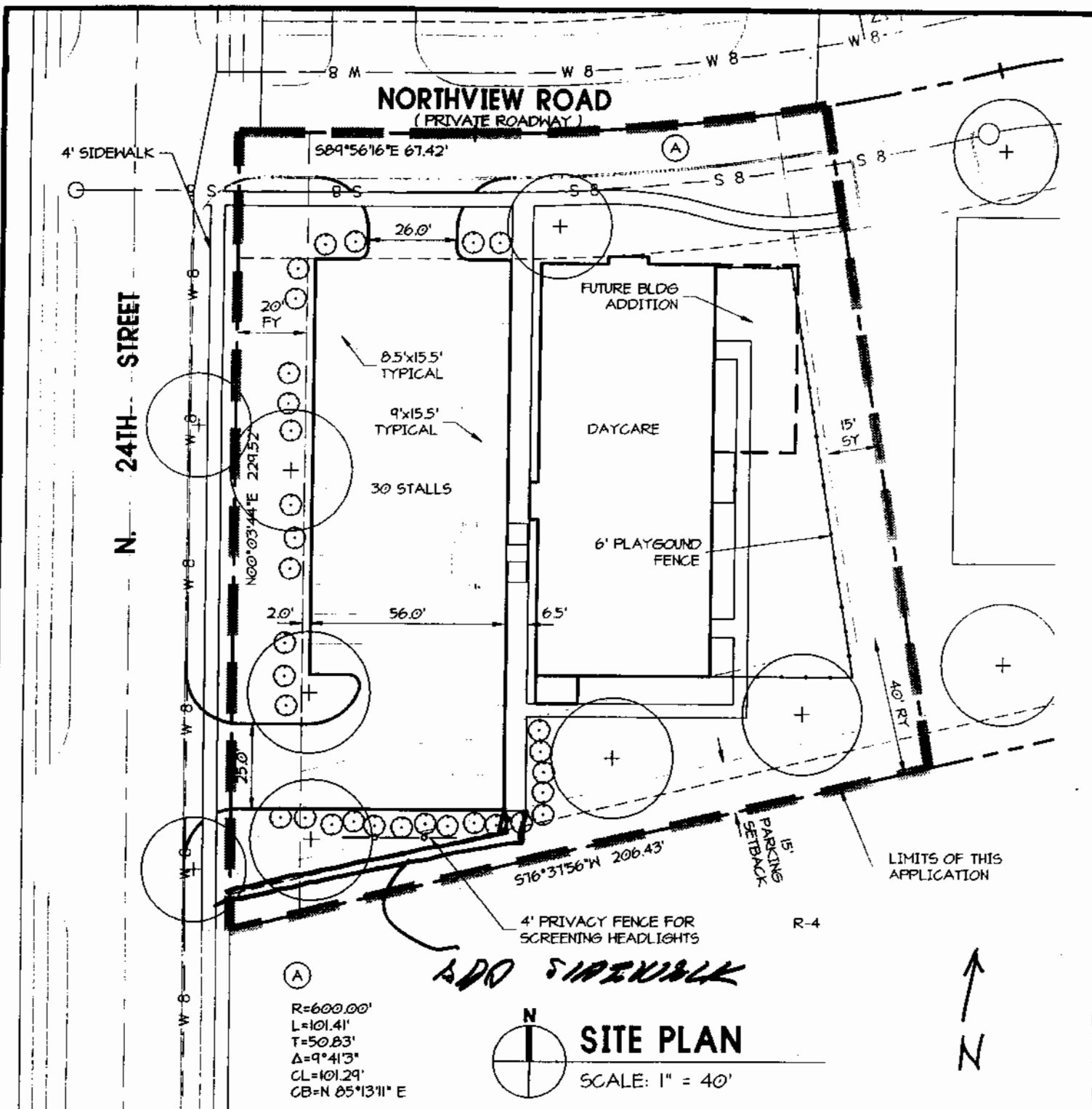


Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



## ZONING

0-3 OFFICE PARK DISTRICT WITH USE PERMIT UP18, AND SPECIAL USE PERMIT SPUP12, CONDITIONS BASED ON ORIGINAL PER CONSTRUCTION SITE PLAN, PER CITY OF LINCOLN, BUILDING & SAFETY DEPT.

## WAIVERS

I. A WAIVER IS REQUESTED TO ALLOW THIS FACILITY ON A NON-ARTERIAL STREET.

## LEGAL DESCRIPTION

A portion of

LOT 3, BLOCK 2,  
NORTHVIEW 1ST ADDITION  
LINCOLN, LANCASTER, NEBRASKA

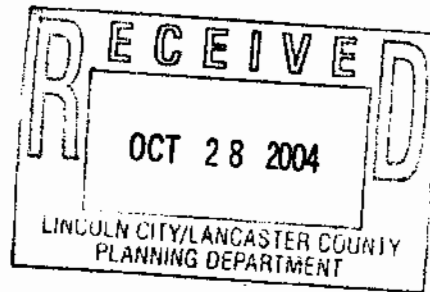


**Design  
Associates** of Lincoln, Inc.

Pershing Square  
1609 'N' Street  
Lincoln, NE 68508  
Phone: (402) 474-3000 • Fax: (402) 474-4045

October 28, 2004

Marvin Krout  
City of Lincoln Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508



RE: Northview Addition      Amendment to Special Permit/Use Permit #12  
Special Permit-Early Childhood Care Facility

Mr. Krout,

On behalf of the property owner, Lincoln Federal Savings Bank, and Cheryl Dubas, contract purchaser, attached please find executed forms and plans for the following land use applications:

- Amendment to Special Permit/Use Permit #12, site plan revisions
- Special Permit to allow an Early Childhood Care Facility with sixteen or more children in the O-3 zoning district

Special Permit/Use Permit #12

This application, on behalf of Lincoln Federal Savings Bank, requests approval of revised site and landscape plans for the existing special permit/use permit. The amendment proposes the addition of an interior lot line, reconfiguration of building envelopes and associated parking, and reduction of the parking setback along the south property line from 40' to 15'. Review of the setback requirements for the O-3 zoning district shows this area is prohibited from buildings but does allow parking. This amendment proposes parking within 15' of the rear lot line with a landscaping screen planted at 90% between 2' and 4' adjacent to the adjacent R-4 zoned property. The total building area within the amendment remains as previously approved. These revisions are proposed to accommodate the proposed childhood care facility that accompanies this application. This amendment is limited to property described as Lot 3, Block 2, Northview 1<sup>st</sup> Addition.

Special Permit-Early Childhood Care Facility

This application, on behalf of Cheryl Dubas, dba Little Munchkinland, contract purchaser of property located at the southeast corner of 24<sup>th</sup> and Northview Road, requests approval of a special permit to operate a childhood care facility to be licensed for 140 children.

Little Munchkinland is a family owned childhood care facility that has been located on 26<sup>th</sup> Street, north of Superior Street since 2002. Their current facility is licensed for 49 children. Prior to 2002, Little Munchkinland provided licensed childhood care for over 8 years in their current residence.

The Little Munchkinland operation provides childhood care for both scheduled times and for 'drop-in' children. This dual-purpose operation allows more flexibility for parents and tends to reduce peaking characteristics for parking and traffic that have been observed at other childhood care facilities. Their hours



of operation are from 6:00 A.M. to 1:00A.M. Monday through Saturday. Their business success and growing demand for daycare are the basis of the proposed expansion.

Little Munchkinland proposes a childhood care facility to be licensed for 140 children ranging in age from 6 weeks to 12 years with a staff of 15. The actual number of staffing will vary and is dependent upon the number and ages of children present at the facility. Staffing will consist of present employees and several new positions. On-site parking is provided in excess of one stall per each 10 children plus one stall for each employee.

The site is located in proximity to Superior Street to encourage use of Superior Street at either 24<sup>th</sup> or 26<sup>th</sup> Streets in an effort to discourage use of residential streets. Little Munchkinland is proposed on a corner lot with access on both frontages. These driveways are expected to reduce congestion and provide better internal circulation.

A meeting was conducted with area residents to discuss the development prior to finalization of submittal documents. Discussion of the facility was positive with one minor exception. A revision was requested by a neighbor residing on Dodge Street to include provisions to reduce light trespass from vehicle headlights during the evening hours of operation. A privacy fence 4' in height has been added south of the parking lot landscaping to address that neighbor's concern.

A single waiver is requested with the special permit application. Section 27.63.070(c) that states: "...Facilities with thirty-one or more children shall be located on an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities".

In this case, the site is located 200 feet south of an arterial street (Superior Street) in an office park where access to the adjacent arterial street has been relinquished. Compliance with this requirement would require this childhood care facility to be located on the opposite side of the street. This minor shift would not appear to provide any additional benefit to the surrounding area with respect to reducing traffic related issues. This site was selected due to its closeness to the existing facility; reduced distance to Campbell School that will allow children to walk to and from school; and ability to reduce vehicle conflicts due to the driveways on both frontages. Based upon the non-residential nature of the area located between Little Munchkinland and Superior Street, and that the location has frontage along a commercial private street and frontage along the non-residential portion of 24<sup>th</sup> Street, the proposed site appears to meets the intent of frontage and access to an arterial street.

A certificate of ownership and application for final plat will be made under separate covers.

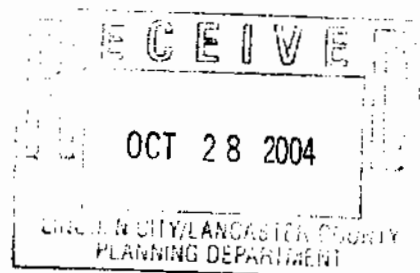
On behalf of Lincoln Federal Savings Bank and Little Munchkinland, we would like to thank you in advance to your favorable consideration. Please feel free to contact our office if additional information is desired.

Best regards,



J.D. Burt  
For the firm

Attachments:            Site/Landscape Plan



**Richard J Furasek**  
11/05/2004 03:07 PM

To: Rebecca D Horner/Notes@Notes  
cc:  
Subject: Little Munchkinland

Upon review of special permit # 04059, we find it acceptable from the perspective of our department.

Richard J. Furasek  
Assistant Chief Operations  
Lincoln Fire & Rescue  
1801 Q Street  
Lincoln Ne. 68508  
Office 402-441-8354  
Fax 402-441-8292

## Memorandum

---

<b>To:</b>	Becky Horner, Planning Department
<b>From:</b>	Charles W. Baker, Public Works and Utilities
<b>Subject:</b>	Little Munchkinland Special Permit #04060
<b>Date:</b>	November 10, 2004
<b>cc:</b>	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Little Munchkinland Day Care Special Permit #04060 located at North 24th and Northview Road. Public Works has no objection to the request of the waiver to not be located on an arterial street.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT  
INTER-OFFICE COMMUNICATION**

**TO:** Becky Horner

**DATE:** November 12, 2004

**DEPARTMENT:** Planning

**FROM:** Chris Schroeder

**ATTENTION:**

**DEPARTMENT:** Health

**CARBONS TO:** EH File

**SUBJECT:** Little Munchkinland

EH Administration

SP #04059

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application for the proposed childcare with the following noted:

- The LLCHD advises that I-1 zoning is located approximately 300 feet to the east from the proposed childcare facility. The LLCHD recommends that the applicant develop an emergency response plan, both written and drawn, including a house-in-place scenario and an off-site evacuation. The LLCHD may provide technical assistance in this matter.
- Per City of Lincoln Design Standards Chapter 3.90 Section 2.1. Plans as submitted show a 6 foot fence but do not state whether or not it is opaque. Facility is adjacent to an R-4 zone on its south side.
- **Parking:** Applicant should specify "drop-off-only" parking spaces directly in front of main entrance so that children do not cross through parking lot to access the facility. Use a ratio of 1 stall for every 10 children of total capacity. One parking stall per employee during largest shift shall be also available.
- Facility must meet all State of Nebraska standards for Childcare Centers.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.